

EXHIBIT

H

RECEIVED CAL APPEALS SEP 29 2006

1/11 COPIES

CAL A 0602524

RECEIVED CAL APPEALS OCT 06

RECEIVED CAL APPEALS OCT

FEDERAL HEALTH INSURANCE BENEFITS ACCOUNT
ADD61 00009559
J ROBERT WEST MD INC
PO BOX 2150
REDLANDS, CA 92373-0701
BOBBY JANOE # J-25333

CMS

MEDIGARE PAYMENT

1146931908 0021309379 601839301

MEDIGARE PAYMENT

FEDERAL HEALTH INSURANCE BENEFITS ACCOUNT
ADD61 00009558
J ROBERT WEST MD INC
PO BOX 2150
REDLANDS, CA 92373-0701
BOBBY JANOE # J-25333

CMS

106681091646601201 0206166971

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SCREENED OUT OCT 06 2006

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CAL

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RECEIVED CAL APPEALS OCT 6 2006

RECEIVED CAL APPEALS OCT 20 2006

was glad to hear from you, as for out here,
 In going thru it all lunch of hell shit,
 and I just can't focus at the moment, I
 do need to, I am planning on moving in 1 week,
 and I called need to find a new house, so I will
 focus on that. However, I have lots to do!
 Plus with my court case coming up next
 month, it's nothing nice, any case, they plan
 to raise my bail to 300,000,00 and I
 am working on getting up my issues so I
 can fight my case from the streets, or
 any how, my homing barbed 5, ---, 7
 for you, plus another letter with 5 ---, 20
 over 10,000,000 so once this clears
 cigar around, do me a favor, could you
 take half of that and send it back to
 me in a state of Calif. check, I could
 put that towards my bail, as soon
 as it clears, just put in a request
 to send out half of that to me for
 to my dollar ok, 55% thank you, also
 send me out a kite when you do that,
 things will get better. And keep your head up,
 orders to your rent went bad! I will get at money

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OCT 6 2006

I just have faith you out legally!
 I need to focus right
 the deal I was 8 years for what? Live
 time nothing! I have you believe, be of good

RECEIVED CAL APPEALS SEP 29 2005

Page 1 of 1

*cheer, and remember. If your approached on
where money James, you don't know of!*

CAL A 0602524

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Discover Your Family Story

RECEIVED CAL APPEALS OCT 20 2006

write son!

*With respect
always
Yours*

Bellamy

28 May 1933

- Edgemoor

Jimmie?? Bellamy

B_C037_66001

20

422

Source Information

Source name: North Carolina Birth Index, 1900-1990 (Ancestry.com), Fayetteville, North Carolina

Source address: 10000 Highway 101, Fayetteville, North Carolina 28404

This list shows the records and your source covered in this index. Deleted lists are also included in this index.

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EXHIBIT

0602524

Robert M. ...
S.G. Ca 92408

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Ind. 7.67
267.00
86.67
373.00

Bobby Janel
J 75333 - Unit A-1-150

SALE BERNARDINO

CA 92437

12 JUL 2006 4PM



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EXHIBIT

J

REPORT ID: 163076

CALIFORNIA DEPARTMENT OF CORRECTIONS
 CALIFORNIA STATE PRISON
 STATE TRUST ACCOUNTING SYSTEM
 INMATE TRUST ACCOUNT STATEMENT

RECEIVED CAL APPEALS SEP 29 2006

RECEIVED CAL APPEALS OCT 06 2006

ACCOUNT NUMBER: J25333
 ACCOUNT RECEIVED CAL APPEALS, OCT 06 2006
 PRIVILEGE GROUP: A

BED/CELL NUMBER: FAC1000
 ACCOUNT TYPE: I

TRUST ACCOUNT ACTIVITY

DATE	TRAN CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS
05/01/2005		BEGINNING BALANCE				
05/04	D554	INMATE PAYROL	04/05 5838		13.18	
05/11	W213	FEDERAL FILIN	1421/06011			2.62
05/11	W220	STATE FILING	15606/6015			2.62
06/03	D554	INMATE PAYROL	05/01 6478		8.72	
06/03	W512	LEGAL POSTAGE	5/12 6510			8.40
06/06	FC01	DRAW-FAC 1	A1 6520			4.72
06/16	W213	FEDERAL FILIN	1421/06804			1.74
06/16	W220	STATE FILING	5606/06797			1.74
07/06	D554	INMATE PAYROL	6/05 0063		10.16	
07/15	W512	LEGAL POSTAGE	7/1 0289			2.90
07/15	W512	LEGAL POSTAGE	7/1 0289			1.29
07/15	W512	LEGAL POSTAGE	7/1 0289			1.29
07/28	W213	FEDERAL FILIN	1421/00547			2.03
07/28	W220	STATE FILING	15606/0559			2.03
08/03	D554	INMATE PAYROL	7/05 0625		8.40	
08/05	W512	LEGAL POSTAGE	8/4 0686			0.50
08/05	W512	LEGAL POSTAGE	8/4 0686			1.75
08/08	W220	STATE FILING	15606/0722			1.60
08/08	W213	FEDERAL FILIN	1421/0723			1.60
08/15	W512	LEGAL POSTAGE	07/19 0873			1.05
08/15	W512	LEGAL POSTAGE	07/19 0873			1.05
08/15	W512	LEGAL POSTAGE	07/19 0873			1.05
09/07	D554	INMATE PAYROL	08/05 1269		6.80	
09/09	W220	STATE FILING	15606/1342			1.36
09/09	W213	FEDERAL FILIN	1421/01343			1.36
09/09	W512	LEGAL POSTAGE	8/9 1351			3.95
10/18	W516	LEGAL COPY CH	09/14 2098			0.20
11/15	W516	LEGAL COPY CH	10/17 2657			0.06
ACTIVITY FOR 2006						
04/27	D310	CHECK DEPOSIT MR/	505780		2,021.51	
04/27	D310	CHECK DEPOSIT MR/	505780		1,298.02	
04/27	D300	CASH DEPOSIT MR/	505771		152.30	
04/27	D300	CASH DEPOSIT MR/	505771		222.20	
04/27	W213	FEDERAL FILIN	1421/05795			74.90
04/27	W220	STATE FILING	15606/5796			74.90
04/28	W512	LEGAL POSTAGE	4/29 5819			0.63
04/28	W512	LEGAL POSTAGE	4/26 5819			0.63
05/01	W513	MISC. CHARGES ENVEL	5830			0.10
05/01	W516	LEGAL COPY CH	04/24 5822			1.20
05/05	D310	CHECK DEPOSIT MR/	505930		225.74	
05/05	D310	CHECK DEPOSIT MR/	505930		100.00	
05/05	D300	CASH DEPOSIT MR/	505937		100.00	

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REPORT ID: T93430

REPORT DATE: 06/27/06

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RECEIVED CAL APPEALS SEP 29 2006 CALIFORNIA STATE PRISON
INMATE TRUST ACCOUNT STATEMENT

RECEIVED CAL APPEALS OCT 06 2006
FOR THE PERIOD: JUN. 01, 2005 THRU JUN. 27, 2006

ACCT: J25333 ACCT NAME: JANCE, BOBBY SHAWN ACCT TYPE: J

TRANSMITTED CAL APPEALS OCT 20 2006

DATE	CODE	DESCRIPTION	COMMENT	CHECK NUM	DEPOSITS	WITHDRAWALS	BALANCE
05/05	W220	STATE FILING	15606/5943			89.79	4,583.35
05/08	FC01	DRAW-FAC 1	A1 5964			76.00	4,507.35
05/15	FR01	CANTEEN RETUR	506113			76.00	4,583.35
05/16	W415	CASH WITHDRAW	AID 6161	111079976		99.00	4,484.35
05/19	W516	LEGAL COPY CH	4/8 6255			0.20	4,484.15
05/19	W516	LEGAL COPY CH	4/8 6255			5.50	4,478.65
05/19	W516	LEGAL COPY CH	4/12 6255			0.10	4,478.55
05/19	W513	MISC. CHARGES ENVEL	6256			0.45	4,478.10
05/19	W513	MISC. CHARGES ENVEL	6261			1.80	4,476.30
05/19	W513	MISC. CHARGES ENVEL	6261			45.50	4,430.80
05/23	W512	LEGAL POSTAGE	04/19 6320			0.87	4,429.93
05/23	W516	LEGAL COPY CH	05/19 6316			0.30	4,429.63
05/23	W513	MISC. CHARGES ENVEL	6330			0.45	4,429.18
05/23	W513	MISC. CHARGES ENVEL	6330			0.15	4,429.03
05/24	W512	LEGAL POSTAGE	4/21 6356			4.05	4,424.98
05/24	W512	LEGAL POSTAGE	4/21 6356			4.05	4,420.93
06/05	FC01	DRAW-FAC 1	A1 6540			75.00	4,345.93

CURRENT HOLDS IN EFFECT

DATE PLACED	HOLD CODE	DESCRIPTION	COMMENT	HOLD AMOUNT
06/14/2006	H118	LEGAL COPIES HOLD	06/13 6807	0.90

TRUST ACCOUNT SUMMARY

BEGINNING BALANCE	TOTAL DEPOSITS	TOTAL WITHDRAWALS	CURRENT BALANCE	HOLDS BALANCE	TRANSACTIONS TO BE POSTED
7.88	4,909.53	571.48	4,345.93	0.90	0.00

CURRENT
AVAILABLE
BALANCE

4,345.03

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EXHIBIT

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CAL A 0602524

Division of Medical Examiner

175 South Lena Road
 San Bernardino, CA 92415-0003
 (909) 387-2561
 Fax (909) 387-2989



Frank Sheridan, M.D.
 Chief Medical Examiner

Eugene Carpenter
 M.D., Deputy M.E.

RECEIVED CAL APPEALS OCT 06 2006

**San Bernardino County Sheriff's Department
 Coroner Division**

RECEIVED CAL APPEALS OCT 20 2006 **Autopsy Protocol**

Coroner's Case Number: 06-5661LD

Autopsy Number: A-0394-06

Name: Brett Harvey Janoe **Age:** 44 **Sex:** Male
Time of Death: Reported Found 0739 hours, July 21, 2006 **Race:** Caucasian
Time of Autopsy: 0900 hours, July 28, 2006
Place of Autopsy: San Bernardino County Coroner's Facility **Deputy:** De Nardo

HISTORY OF DEATH: This is the case of a 44-year-old Caucasian male found floating in about 2 feet of water in a flood basin area. There is a past history of social distress, methamphetamine use, and possibly of diabetes. There is no history of foul play or trauma. There are no signs of trauma. Other past medical history is not given. Drug use and social stress have been the problems. No history of suicide ideation or previous suicide attempts has been given.

There is a history of pelvic fracture from a fall in the fairly recent past.

Also refer to Coroner's Investigative Report 06-5661LD.

External Examination for Identification and for Signs of Natural Pathology:

This is the body of a 44-year-old, well-developed, well-nourished Caucasian male, about 73 inches in length and weighing 169 pounds. It has been refrigerated and is not embalmed. The body is identified by tags.

The major identifying characteristics consist of a long body, brown, medium length, straight hair, brown eyes (might be obscured by decomposition changes), handlebar moustache, unshaven face for about a week, no teeth, upper dental plate, uncircumcised penis, well-developed and not obese body; no signs of amputations, deformities, or needle track scars are seen. There are two tattoos discovered. The body is moderately decomposed and this obscures surface findings. The following is what can be discerned through the discoloration and the skin slippage.

The skin, head, head hair, eyes, ears, nose, mouth, throat, neck, chest, abdomen, pelvis with external genitalia and anus, back and extremities are all unremarkable for signs of natural pathology as best as can be seen through the obscuring signs of decomposition.

Clothing: There is clothing on the body. It consists of a tee shirt, boxer shorts, blue jeans with wide brown belt, white socks, and white running shoes. All of the clothing is soaked and muddy. Abundant numbers of papers are found, some of which have been placed in a plastic envelope apparently by the decedent. All of these are retrieved and are cleaned and spread out on a table for drying. No other articles are found within the pockets of the pants. There does not seem to be the presence of a suicide note, but the papers are not examined in detail at this time.

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SEP 20 2006

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OCT 06 2006

RECEIVED CAL APPEALS SEP 20 2006

RECEIVED CAL APPEALS OCT 20 2006

JANOE AUTOPSY CONTINUED
RECEIVED CAL APPEALS SEP 29 2006

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A-0394-06
RECEIVED CAL APPEALS SEP 29 2006**Evidence of Postmortem Changes:**

1. Moderate decomposition is present with universal green-brown discoloration and skin slippage. There is moderate bloating of the abdomen and scrotum. The eyes are soft. About 7 to 8 mL of fresh appearing red blood is found within the heart. The gallbladder and urinary bladder are dry. There are about 20 mL of a wine-like decomposition fluid found within the left pleural space. The right pleural space is dry. The peritoneum is dry. There is no oil. Maggots and fly eggs are not seen. Animal activity is not seen.
2. Rigor mortis: the arms are loose. There is moderate rigor mortis in the lower extremities.
3. Lividity: lividity cannot be assessed.

Evidence of Medical Intervention: None**Evidence Collected at Autopsy:**

1. Liver and kidneys for toxicology.
2. One tube of blood for toxicology, from the heart.
3. Tissues from the major organs.

Tattoos: Two tattoos are seen. One is a none understood design with the word "Crazy" at the top. This is at the left lateral arm. The other is the name "Lori" written over the top surface of the shaft of the penis.

Radiographs: None**Incisions:**

1. Head, coronal.
2. Chest, Y-shaped.
3. Abdomen, midline.
4. Throat, midline.

Examination and Description of Injuries: Old bruises are present at the upper posterolateral pelvis. The larger is 2 inches and about 1 inch below it is the 1-1/2 inch bruise. They seem older, consistent with the history, but this is not clear due to the decomposition that obscures the findings. No incisions are made into them. No samples are collected. Other signs of trauma are lacking. The head is carefully examined. The brain is a gray-green pultaceous mass without signs of blood or other signs of trauma. There are no sharp force injuries or gunshot wounds to the body.

Internal Examination for Signs of Natural Pathology:**A. BODY CAVITIES:**

1. Head: The cranium and potential spaces of the head are unremarkable.
2. Chest: Unremarkable, except for decomposition.
3. Abdomen: Unremarkable, except for moderate decomposition.
4. Pelvis: Unremarkable, except for decomposition.

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RECEIVED CAL APPEALS SEP 20 2006
 RECEIVED CAL APPEALS SEP 25 2006
 JANOE AUTOPSY CONTINUED
 PAGE 3
 RECEIVED CAL APPEALS SEP 29 2006

CAL A 0602524

RECEIVED CAL APPEALS OCT 06 2006
 B-SYSTEMS
 RECEIVED CAL APPEALS OCT 20 2006

1. Central Nervous: The brain is 1245 grams. It consists of a slightly formed gray-green pultaceous mass with some preservation of the surface architecture. It is scooped out of the skull. There are no collections of blood nor are there any signs of pathology that might be seen beyond the obscuration of the decompositional process.
2. Cardiovascular: The heart is 345 grams. It appears enlarged. The estimated weight before decomposition is 445 grams. The left main coronary artery is 60% atherosclerotic with a 2 x less than 1 mm. residual space. The circumflex is 70% occluded near its origin. The left anterior descending branch is 80% occluded in many focal areas, especially proximally. The right coronary artery is unremarkable. Otherwise, the heart with its pericardial sac, epicardium, coronary arteries, myocardium, endocardium and valves is unremarkable. The aorta with its branches and the vena cava with its tributaries are unremarkable. The pulmonary arteries are unremarkable and there are no signs of thromboemboli.
3. Respiratory: The airway is clear. There are no signs of inflammation. The lungs are unremarkable, except for obvious anthracosis.
4. Gastrointestinal: The GI tract, liver, gallbladder and pancreas are all unremarkable. The GI tract is examined by visualization and palpation. No collections of blood are seen. No stones are felt in the gallbladder.
5. Lymphoid: The spleen is moderately enlarged. The estimated weight is 400 grams. The lymph nodes are not prominent.
6. Genitourinary: The kidney both appear hyperplastic. The estimated weight is about 230 grams for each kidney. The surface is smooth. There are no pitted scars. The kidneys, ureters, urinary bladder, prostate and testicles are unremarkable. The prostate and testicles are examined by palpation.
7. Endocrine: The pituitary is not seen. The thyroid and adrenal glands are unremarkable.
8. Musculoskeletal: Unremarkable

TOXICOLOGY: A standard coroner's panel is requested.

Also refer to Toxicology Report

SCREENED OUT SEP 20 2006

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JANOE AUTOPSY CONTINUED

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DIAGNOSIS:

- I. Severe atherosclerotic heart disease.
- II. Signs of old trauma to the right posterolateral pelvic region, no signs of complications.
- III. Drowning.
- IV. History of methamphetamine use (see toxicology report) (33 mg/L blood level).
- V. No history of foul play.
- VI. History of social stress and strain and difficult drug problem.

CAUSE OF DEATH: Probable: drowning, unknown. Contributing Causes: 1) Chronic methamphetamine use. 2) Atherosclerotic heart disease.

Manner of Death: Natural

How injury occurred: Probable cardiac event due to heart disease and drug use; then drowned.

WITNESSES PRESENT: Detective John Munoz, Forensic Specialist Ricardo Tomboc, San Bernardino Police Department.

Autopsy Completed 1030 hours, July 28, 2006.



Eugene Carpenter, M.D.
Pathologist

Date: 8-29-06

EC:pm

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CAL A 0602524

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GLENN N. WAGNER, D.O.
CHIEF MEDICAL EXAMINERCHRISTINA STANLEY, M.D.
CHIEF DEPUTY MEDICAL EXAMINER

County of San Diego

RECEIVED CAL APPEALS OCT 20 2006

OFFICE OF THE MEDICAL EXAMINER
5555 OVERLAND AVE., Ste 1411, SAN DIEGO, CALIFORNIA 92123-1245
TEL: (858) 694-2895 FAX: (858) 495-5956

TOXICOLOGY REPORT

Name: JANOE, Brett Harvey

SBCCO Number: 06-05661 LD

Autopsy Number: A0394-06 EC

Date of Death: 07/21/2006

Pathologist: Eugene Carpenter, M.D.

Specimens Received: Heart Blood, Kidney, Liver

<u>Test Name (Method of Analysis)</u>	<u>Specimen Tested</u>	<u>Result</u>
<u>Alcohol Analysis (GC)</u>		
Alcohol (Ethanol)	Heart Blood	0.06 % (w/v)
Acetone, Methanol, Isopropanol		Not Detected
<u>Drugs of Abuse Screen (ELISA)</u>	Heart Blood	
Cocaine metabolites		Not Detected
Opiates		Not Detected
Amphetamines		Presumptive Positive
Benzodiazepines		Not Detected
Fentanyl		Not Detected
Cannabinoids		Not Detected
<u>Amphetamines (GC/MS)</u>	Heart Blood	
Methamphetamine		0.33 mg/L
Amphetamine		Not Detected
Ephedrine		Not Detected
Pseudoephedrine		Not Detected

End Results

Comment:

These results would be consistent with the use of alcohol and methamphetamine.

Approved and Signed:
08/18/2006Catherine E. Hamm
Catherine E. Hamm
Toxicologist III

Reviewed:

James Sherrard
Toxicologist IISCREENED OUT
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EXHIBIT

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CALIPATRIA STATE PRISON
 INVESTIGATIVE SERVICES UNIT
 CASE REFERRAL TO
 IMPERIAL COUNTY DISTRICT ATTORNEY

DATE: 10-02-06 INCIDENT REPORT NUMBER CAL-CEN-06-07-0244
 REPORT RECEIVED: 08-03-06 INCIDENT REPORT TITLE THEFT IN EXCESS OF \$500.00

REPORT DATED: 07-20-06 INMATE NAME & CDC NUMBER: JANOE J25333

The above case was evaluated for referral to the Imperial County District Attorney and the following decision was made:

☐ Report returned to involved staff for more data:
☐ Investigation being conducted by Security and Investigations:
☒ No referral to the District Attorney will be made since:

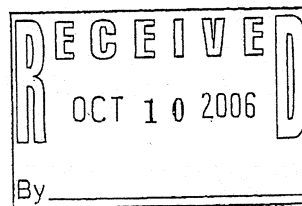
☐ There was no significant injury.
☐ Potential for injury existed, but victim will not testify
☐ Prima facie evidence exists, but there is insufficient data for other than administrative action.
☐ Insufficient quantity of drugs for prosecution.
☐ Problems exist with the chain of evidence.
☐ Inmate has a long sentence and the most appropriate resolution will be effected via administrative disposition.
☐ Not a referable offense.
☐ Does not meet criteria of agreement with District Attorney:
☒ Other WILL BE ISSUED A CDC-115 FOR POSSESSION OF STOLEN PROPERTY AND CHECK FRAUD. TO BE FILED BY OUTSIDE AGENCY IF FILED.
☐ On / /, this case was referred to the Imperial County District Attorney.
☐ On / /, the Investigation Services Unit received written notice that the Imperial County District Attorney rejected / dismissed this case.
☒ Any pending disciplinary action should be completed at this time and a closure report completed and Forwarded to the Associate Warden-Housing for distribution

The above is pursuant to revision of the California Code of regulations, Title 15 Section 3316, which allows for discretionary referral of criminal cases.

Any questions may addressed via the Captain, Security and Investigations Unit at extension 5340.

G. Stratton
 G. Stratton, Lieutenant
 Chief Investigator
 Investigative Services Unit
 Original: Incident Package

cc: AW A/B or C/D
 Records
 AW Custody
 Inmate
 Facility Lieutenant



EXHIBIT

2

RECEIVED CAL APPEALS SEP 25 2006
 INMATE/PAROLEE
 APPEAL FORM
 CDC 602 (12/87)

Location: Institution/Parole Region Log No. Category

1. CAL A 0602524
 2. _____

You may appeal any policy, action, or decision which has a significant adverse effect upon you. With the exception of Serious CDC 115s, classification committee actions, and classification and staff representative decisions, you must first informally seek relief through discussion with the appropriate staff member, who will sign your form and state what action was taken. If you are not then satisfied, you may send your appeal with all the supporting documents and not more than one additional page of comments to the Appeals Coordinator within 15 days of the action taken. No reprisals will be taken for using the appeals procedure responsibly.

NAME: Bobby B. JANO E Janoe NUMBER: J25333 ASSIGNMENT: NIA UNIT/ROOM NUMBER: A-5-234

A. Describe Problem: I am appealing the finding of my guilt on serious rule violation 115 for fraud, by LT. Sigler. I still have not received the decision by LT. Sigler on that 115 hearing. see exhibit A. I have since been able to obtain my copy of the 115 from my property, (431 pages). see exhibit B. Apparently from april 2006 to july 2006 my brother brett Janoe was mailing stolen money orders and for checks for deposit to my trust account, without my knowledge. At the 115 hearing I submitted a declaration from myself, my brother brett Janoe, and my mother Marilyn Janoe, to explain what occurred as best as we knew. see exhibit C. After the
Cont. p. 2

If you need more space, attach one additional sheet.

B. Action Requested: Reverse the finding of guilt on the serious rule violation 115 for fraud.
Remove all references of serious rule violation (115) log # 57-06-A-005 from my file.

Inmate/Parolee Signature: Bobby B. Janoe Date Submitted: 9/21/06

C. INFORMAL LEVEL (Date Received: _____)

Staff Response: _____

Staff Signature: _____ Date Returned to Inmate: _____

D. FORMAL LEVEL

If you are dissatisfied, explain below, attach supporting documents (Completed CDC 115, Investigator's Report, Classification chrono, CDC 128, etc.) and submit to the Institution/Parole Region Appeals Coordinator for processing within 15 days of receipt of response.

Signature: _____ Date Submitted: _____

Note: Property/Funds appeals must be accompanied by a completed

Board of Control form BOC-15 Inmate Claim

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 INMATE APPEALS
 BRANCH

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CAL A 0602524

119 hearing I found out Bret Jarvoe was found dead in San
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 Exhibit D. I believe Bret was suffering from
 dementia and coupled with the methamphetamine he was using and
 also alcohol that his cognitive skills at best were rudimentary.
 I had no knowledge Bret was sending stolen money orders and/or
 checks for deposit to my trust account. I never saw any of the
 money orders and/or checks as they arrived at the trust account office
 for deposit on to my trust account. Yes I did receive the envelopes
 from Bret, but there were no letters with them, except the one
 letter squad office confiscated as it arrived at the institution prior
 to be delivered to me. How could I have knowledge that the
 money orders and/or checks arriving at the institution were in fact
 stolen? Under California law, the indispensable elements of a fraud
 claim include a false representation; knowledge of its falsity; intent
 to defraud; justifiable reliance and damages. See *Vess v Ciba-Geigy Corp USA* 317 F3d 1097 2003. Had I received the letter from Bret detailing
 his scam I would have notified officer Rodriguez (second watch 1, building
 A yard) immediately. Had I received any of the altered money orders and/or
 checks in the envelopes, I would have notified officer Rodriguez
 immediately. I would like to state I take responsibility for the funds
 the state lost. I believe it was 590.00 dollars. I will pay this
 amount back to the state, but I am just as much a victim of my
 brother's (Bret Jarvoe) scam as the state was. I had not spoken to
 my brother for 20 years. He is not on my visiting list, his address was
 not in my address book and I did not even have a photo of him in
 my property.

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Page 2 continuance from section H

alcohol use, rendered his cognitive skills at best as rudimentary. As a prisoner housed in California Department of corrections and rehabilitation, I have no control what so ever, over what someone mails into the institution in my name.

Now when you look at all the staff reports (see exhibit b) they document how they discovered stolen money orders and/or checks were being mailed to the institution in my name. On 8/4/06 Lt. Gigler held a hearing on this serious rule violation and at p. 6 of 12 found me guilty, based on the before mentioned reports by officers. What you will notice missing is any tangible evidence substantiating I knew that Bret Jaroe was mailing stolen money orders and/or checks to the institution in my name. Additionally when you review the copies of the checks the staff provided to me (see exhibit B) you will notice everyone is altered and was so when they arrived at the trust account office. Consequently, trust account officials were at the institution should never have processed those obviously altered money orders and/or checks. At the 2nd level response at p. 3 trust account officials were questioned by "II Mr. Bell, as to how obviously altered money orders and/or checks were in fact processed onto my trust account? The trust account official stated "We should have visually caught it in the beginning, due to you could tell inmate Jaroe's name was obviously typed over the original name printed on the check". It should be noted, when trust account officials would post these stolen money orders and/or checks onto my account, they immediately would withdraw 20% and forward to the state and federal courts, as I owed for filing fees in these courts and this accounted for approximately 364.00 dollars. I spent 15.00 dollar at canteen and sent 99.00 dollars to my mother, for a total of approximately 530.00 dollars.

To sustain a conviction for "possession of stolen property" three prongs must be established; 1) the property must be stolen; 2) defendant must know

Page 3

the property is stolen; and 2) defendant must have had possession of the stolen property. see people v myles 50 cal app3d 423 (1975). IN this instance, there is no evidence that I knew the money orders and/or checks that were arriving at the institution trust account office were stolen; nor did I ever have possession of the money orders and/or checks in question.

To sustain a conviction for check fraud; the defendant must present the check as genuine; knowing it is not; with the intent to defraud. People v Jackson 92 cal app3d 556 (1979). An intent to defraud is an intent to deceive another person for the purpose of gaining a material advantage over the other person. People v Booth 48 cal app 4th 1247 (1996). IN this instance, there is no evidence that I tried to present these stolen money orders and/or checks to the trust account office for deposit onto my trust account. They all went directly from Bret Jarve via the u.s mail to the trust account office.

There is no "preponderance of evidence" that I knew the stolen money orders and/or checks being mailed to the institution by Bret Jarve were in fact stolen. I never even saw any of them, I did not present them to the trust account office for deposit onto my account either. LT. Sigler is basing his decision of my guilt on the fact the stolen money orders and/or checks were mailed to the institution in my name and since I am housed at California state prison, as a convicted felon, I am presumed guilty of every subsequent allegation. It should also be noted, I take full responsibility for the funds the state lost. It should also be noted, the California state prison investigative services unit declined to even refer this matter to the district attorney. (see attached case referral sheet). As such, the guilt finding should be reversed and all references of the IIS should be removed from my file.

State of California

Department of Corrections and Rehabilitation

Memorandum

Date: DEC - 6 2006

To: Janoe, J-25333
Calipatria State Prison

Subject: SECOND LEVEL APPEAL RESPONSE
LOG NO.: CAL-A-06-02524

ISSUE:

The appellant is submitting this appeal relative to CDC Form 115, Rules Violation Report (RVR), Log #07-06-A-005, dated July 05, 2006, for Possession of Stolen Property and Check Fraud. It is the appellant's position that on Friday, August 04, 2006, Senior Hearing Officer (SHO) J. Sigler, inappropriately violated your due process rights by finding you guilty of the aforementioned RVR. You allege you had no knowledge that your brother Bret Janoe was depositing stolen money orders and checks into your inmate trust account at Calipatria State Prison (CAL). You state you never had possession or seen the money orders that were sent to you, due to they were deposited into your inmate trust account by accounting staff personnel. You state Bret was arrested on May 31, 2006, by the San Bernardino Sheriffs Department, Twin Peaks, for burglary of a United States Post Office. You state there was insufficient evidence presented at your hearing, that you had knowledge that the money orders deposited into your trust account were stolen.

You are requesting on appeal that the findings of your guilt in the matter be rescinded.

INTERVIEWED BY: D. Bell, Correctional Counselor II, on November 28, 2006.

REGULATIONS: The rules governing this issue are:

California Penal Code Section 12022.7. Infliction of Great Bodily Injury

California Code of Regulations, Title 15, Section (CCR) 3005. Conduct.

CCR 3084.5. Levels of Appeal Review and Disposition.

CCR 3313. Classification of Rules Violation Report and Notice of Pending Charges.

CCR 3320. Hearing Procedures and Time Limitations.

On July 12, 2006, you were served a pre-hearing copy of RVR, Log #07-06-A-005, dated July 05, 2006, for the specific act of Possession of Stolen Property and Check Fraud, and served a copy of CDC-115 Supplement

JANOE, J-25333
 CAL-A-06-02524
 PAGE 2

authored by Correctional Officer (CO) V. Canada. On August 03, 2006, you were served a copy of Incident Report # CAL-CEN-06-07-0224.

On July 17, 2006, you were served Xerox copies of your inmate trust account statements from May 01, 2005 to June 2005. You were also served a copy of the CDC 193 Trust Account Withdrawal Order to Marilyn Janoe dated May 25, 2006, one (1) inmate letter, six (6) Xerox copies of inmate correspondence envelopes to you, from your brother Brett Janoe, Box 651 Running Springs CA. 92382, two (2) Xerox copies of checks paid to the order of Bobby Janoe, J25333, and two (2) copies of money orders paid to the order of Bobby Janoe.

On August 04, 2006, at approximately 1505 hours, you appeared before an experienced SHO, J. Sigler, for the adjudication of the RVR. You plead not guilty, and elected to make the following statement: "I have not seen my brother in over twenty years. The last time I saw him he stole property from me and my mom, and then he disappeared. I am surmising that he took it and sold it for money, now this is twenty years later etc."

The SHO considered your statement at the time of the hearing. The SHO noted that he reviewed the three (3) typed declarations that you presented at your hearing from you, your mother and brother Brian Scott.

You were found guilty of Possession of a Stolen Property and Check Fraud, a Division "B" offense and assessed 150 days forfeiture of credit, and 90 days loss of phone, ten (10) days loss of yard, and 90 days temporary placement in privilege group "C" in accordance with CCR, Title 15, Section 3044(f)(1)(B), starting on August 04, 2006, and ending on November 03, 2006, consistent with a Division "B" offense.

You were found guilty based upon the preponderance of evidence submitted at the hearing, which was considered valid and substantiated the charge. The evidence included: Information contained in Incident Package Log #CAL-CEN-06-07-0244, CDC-837 authored by CO, S. Crittendon, dated July 11, 2006, CDC-837 Supplemental Report authored by CO, V. Canada, CDC-Supplemental Report authored by Accounting Clerk II, P. Weitzel, CDC-Supplemental Report authored by G. Shepard, 2nd CDC-115 Supplemental Report authored by CO, V. Canada, and 17 photocopies of evidence collected and/or recovered from your cell.

1. The Reporting Employee's written report which states, "On Wednesday, July 05, 2006, Security and Investigations concluded its investigations into numerous altered checks received at Calipatria State Prison for Inmate Janoe, J-25333, A1-150." 2. Four (4) out of Five (5) of the checks noted on CDC-115-C page #11 was deposited into your inmate trust account were confirmed stolen by the Security and Investigations Unit.

On August 15, 2006, the SHO's finding and disposition were reviewed and affirmed by a Chief Disciplinary Officer. On August 24, 2006, you were issued the final copy of the adjudicated RVR.

The Second Level of Review (SLR) notes although you were not in a position to view the incoming checks, you received monthly statements from the Calipatria State Prison's Accounting Department. These statements indicated deposits

JANOE, J-25333
CAL-A-06-02524
PAGE 3

had been made to your account, which would have given you knowledge of your account activity and current funds available.

It is also noted a cash withdrawal in the amount of \$530.30 was withdrawn from your account prior to the CAL Accounting Office discovery of the altered checks. A review of your trust account statement and activity prior to the \$2,021.51 dollar deposits on April 27, 2006, clearly indicated your previous account balance was zero.

It is noted on December 05, 2006, Correctional Counselor II, Inmate Appeals Coordinator, D. Bell, interviewed CAL Inmate Trust Account Office Technician, W. Neciuk, as to why were the checks and money orders processed and deposited into your trust account when it appeared that the checks were altered and fraudulent. Mr. Neciuk stated, "We should have visually caught it in the beginning, due to you could tell inmate Janoe's name was obviously typed over the original name printed on the check. However, we eventually caught on, flagged his incoming checks and sent copies to the Security and Investigations Unit. Prior to these checks being placed into inmate Janoe's account, he had no prior activity what so ever. He never had spent any money on canteen. However, after the checks were deposited into his accounts he spent money on canteen, and he even sent money to his mom."

The SLR notes Detective Pelkey of the San Bernardino Sheriff's Department, Twin Peaks, confirmed that your brother Bret Harvey Janoe and two (2) other suspects were arrested on May 30, 2006, for burglary of a United States Post Office.

After reviewing the processing of your RVR, it was determined that time constraints were met, procedures were followed, and due process was afforded to you. You provided no new or compelling evidence to the RVR. Therefore, I find no reason to alter the original decision.

DECISION: The appeal is denied.

The appellant is advised that this issue may be submitted for a Director's Level of Review if desired.



T. OCHOA

Chief Deputy Warden (A)
Calipatria State Prison

STATE OF CALIFORNIA
DEPARTMENT OF CORRECTIONS AND REHABILITATION
INMATE APPEALS BRANCH
P. O. BOX 942883
SACRAMENTO, CA 94283-0001
DIRECTOR'S LEVEL APPEAL DECISION

Date: **MAR 14 2007**

In re: Janoe, J-25333
Calipatria State Prison
P.O. Box 5002
Calipatria, CA 92233

IAB Case No.: 0607129

Local Log No.: CAL 06-02524

This matter was reviewed on behalf of the Director of the California Department of Corrections and Rehabilitation (CDCR) by Appeals Examiner R. Floto. All submitted documentation and supporting arguments of the parties have been considered.

I APPELLANT'S ARGUMENT: The appellant is submitting this appeal relative to CDC Form 115, Rules Violation Report (RVR), Log #07-06-A-005, dated July 5, 2006, for "Possession of Stolen Property and Check Fraud," a Division "B" offense. He claims that his due process rights were violated by finding him guilty of the offense. It is the appellant's position that he is not guilty of the RVR as charged. He requests dismissal of the RVR.

II SECOND LEVEL'S ARGUMENT: The reviewer found that the appellant was afforded all of his due process rights, including a fair and unbiased hearing. On July 5, 2006, the Security and Investigations Unit concluded an investigation regarding altered checks received by the appellant. He had received checks for \$5,727.19 and \$5,190.87, which had been determined to be altered. Investigation revealed that the appellant had received ten additional altered checks from his brother from April 27, through May 30, 2006, totaling \$3,771.71. The appellant had utilized some of the funds and was provided copies of his trust account balances that reflected deposit and withdrawal activities. The appellant was found guilty based upon a preponderance of evidence by an impartial Senior Hearing Officer (SHO). The appellant was assigned an Investigative Employee (IE) to assist him in the gathering of evidence. The SHO utilized the IE report during the hearing to render a decision. The appellant was assigned an Investigative Employee (IE) to assist him in the gathering of evidence. The SHO utilized the IE report during the hearing to render a decision. The appellant did not meet the criteria for the assignment of a Staff Assistant as there was no need for a confidential relationship; the issues are not complex; and the appellant is not illiterate and understands English. The appellant waived that witnesses be present at the hearing.

III DIRECTOR'S LEVEL DECISION: Appeal is denied.

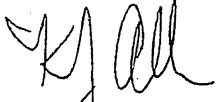
A. FINDINGS: The appellant was afforded all due process rights in the adjudication of the RVR and all procedural guidelines were met. A preponderance of evidence was established by an impartial SHO to sustain the guilty finding. Reports reflect that the appellant has presented no new or compelling evidence in the appeal, which would warrant a modification of the decision reached by the institution.

B. BASIS FOR THE DECISION:
California Code of Regulations, Title 15, Section: 3012, 3315, 3320, 3323

C. ORDER: No changes or modifications are required by the institution.

JANOE, J-25333
CASE NO. 0607129
PAGE 2

This decision exhausts the administrative remedy available to the appellant within CDCR.


N. GRANNIS, Chief
Inmate Appeals Branch
cc: Warden, CAL
Appeals Coordinator, CAL

LODGMENT 10

RECEIVED IN CRIMINAL DOCKETING

COURT OF APPEAL - FOURTH APPELLATE DISTRICT

NOEMI

DIVISION ONE

STATE OF CALIFORNIA

In re BOBBY S. JANOE

on

Habeas Corpus.

D051373

(San Diego County
Super. Ct. No. EHC 00868)

Stephen M. Kelly, Clerk
NOV 6 2007
Court of Appeal Fourth District

THE COURT:

The petition for writ of habeas corpus has been read and considered by Justices Huffman, Nares and Irion.

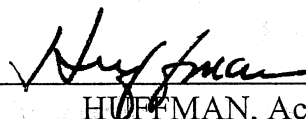
Petitioner was convicted of murder in 1994 for killing his wife and is presently incarcerated at Calipatria State Prison. Petitioner argues his due process rights were violated at an administrative hearing when he was found guilty of a serious rules violation for possession of stolen property and check fraud. He was assessed 150 days forfeiture of credit and the temporary loss of other privileges.

Petitioner received notice of the charges, a hearing and an opportunity to present evidence in his defense, a written statement by the factfinder of the evidence relied on and the reasons for the disciplinary action, and full administrative appeal of his rules violation. Petitioner has therefore been afforded all the process due to him. (*Wolff v. McDonnell* (1974) 418 U.S. 539, 563-567.)

To the extent petitioner argues the rules violation is supported by insufficient evidence because he had no knowledge the checks were altered or stolen, we only need to find "some evidence" to support the administrative decision. (*Superintendent v. Hill* (1985) 472 U.S. 445, 455-456; *In re Zepeda* (2006) 141 Cal.App.4th 1493, 1498.) This standard "does not require examination of the entire record, independent assessment of the credibility of witnesses, or weighing of the evidence. Instead, the relevant question is whether there is any evidence in the record that could support the conclusion reached by the disciplinary board." (*Superintendent v. Hill, supra*, 472 U.S. at pp. 455-456.) As explained in his administrative appeals and by the trial court, petitioner's trust account

went from zero dollars on April 27, 2006, to almost \$5,000 dollars by May 30, 2006, when fraudulent checks from petitioner's brother were mailed to petitioner and deposited in his account. Petitioner received monthly statements from the Calipatria State Prison accounting department indicating the deposits were made. Petitioner withdrew money from his account to purchase canteen items and sent money to his mother. Envelopes from petitioner's brother were found in his cell bearing statements such as, "Say brother, let me know what you need!" and "I'll send more money in a couple days!" Additionally, a letter from petitioner's brother to petitioner instructed petitioner to take half of the money and send the other half back to his brother in a state issued check. Petitioner wrote his brother thanking him for the money. Petitioner states in his administrative appeal he "takes full responsibility for the funds the state lost." Because this constitutes "some evidence" to support the administrative decision, we deny the petition. (*Id.* at pp. 455-456; *In re Zepeda, supra*, 141 Cal.App.4th at p. 1498.)

The petition is denied.



HUFFMAN, Acting P. J.

Copies to: All parties

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SAN DIEGO
ATTORNEY GENERAL